

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 2, 2016/2017

### UIC2612 – ISLAMIC CONSTITUTIONAL LAW (All Sections / Groups)

09 MARCH 2017

Reading Time : 2.30 PM – 2.45 PM  
(15 Minutes)

Answering Time: 2.45 PM – 5.45 PM  
(3 Hours)

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#### INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. Question One (1) is **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of Translation of Al-Quran. Students are not allowed to lend or borrow statute(s) and/or the Translation of Al-Quran during the Examination.
5. Please write all your answers in the Answer Booklet provided.

**Question 1 (COMPULSORY)**

Jannah is an Islamic state where 60% of the population is Muslim while the rest is non-Muslim. Recently the government of Jannah forms a Constitutional Committee to review the state's Constitution so that it adheres to the principles of Islamic law. However, the non-Muslim's citizens raise a referendum against the proposal made by the Committee as they said the proposed amendment shall deprive their rights as citizen of Jannah. They also argue that the proposed amendment shall take away their right to elect the Ruler of Jannah since they will be barred from giving allegiance to the elected Ruler.

- 1) Based on the above, describe the rights conferred and responsibility attached to a non-Muslim citizen in an Islamic state.

(15 marks)

- 2) Explain the concept of allegiance and its significance in the appointment of a Head of an Islamic state. Support your answer with relevant authorities.

(10 marks)

**(Total 25 Marks)**

**Question 2**

According to Abdullahi Ahmed An-Na'im in his book "*Islam and The Secular State: Negotiating the Future of Shari'a*", the secular state is more consistent with the inherent nature of Shariah and the history of Islamic societies than are false and counterproductive assertions of a so-called Islamic state or the alleged enforcement of Shariah as state law.

- 1) Refute the allegation above by examining the characteristic of an Islamic state based on the sources of Islamic law.

(15 marks)

- 2) *Shura* should be practiced in an Islamic state. Explain the subject matter that can be raised in *shura* and analyse whether decisions achieved during *shura* is binding on the Head of Islamic state.

(10 marks)

**(Total 25 marks)**

**Question 3**

An Egyptian scholar Muhammad Sa'id al-'Ashmawi (1932) relates the word *khalifa* to all the human beings because of their *niyaba*, the act of being a *na'ib* or the representative of God upon the earth, bearing the evidence of His existence.

**Continued.....**

- 1) Based on the above, discuss the pre-conditions for the appointment of a Head of Islamic state as enshrined under Islamic law.

(15 marks)

- 2) Elaborate on the characteristics of accountability for a Head of an Islamic state.

(10 marks)

**(Total 25 marks)**

#### **Question 4**

- 1) The Preamble of the Constitution of the Islamic Republic of Pakistan stated:  
*"Whereas sovereignty over the Universe belongs to Almighty Allah alone and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust."*

With reference to the above provision, distinguish between the characteristics of an Islamic and a secular constitution.

(15 marks)

- 2) Briefly discuss the principle of equality that should be upheld by an Islamic state as accorded by the divine sources.

(10 marks)

**(Total 25 marks)**

#### **Question 5**

It was stated by Muhammad Hamidullah: "There is also the use of the word *"Diin"* in this document (Sahifa Madinah). This word simultaneously stands for religion and government both, and it is a fact of such great importance that if we lose sight of it we shall fail to understand the religion and politics of Islam in a proper way."

- 1) Based on the above statement, respond to the allegation made by some scholars who reject the relationship between politics and Islam. Compare and contrast their views with other views of Muslim scholars on the same subject matter.

(15 marks)

- 2) Based on the provisions of *Sahifah Madinah*, prove that Prophet Muhammad had indeed established an Islamic state in Madinah.

(10 marks)

**(Total 25 marks)**

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